

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. **3**

Bill No. 3-2005

Introduced by: The Chairman at the request of the County Executive

AN ACT amending provisions applicable to the floodplain to comply with Federal Emergency Management Agency requirements; adopting new provisions to prohibit illicit connections and to prohibit certain discharges into storm drainage facilities or waterways; amending provisions applicable to private storm drainage facilities; amending storm water management requirements concerning field inspections; allowing fee-in-lieu of funds for best management practices, watershed studies and stream restorations; and generally relating to floodplain requirements and stormwater management.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2005 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2005 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2005

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. *Be it Enacted by the County Council of Howard County, Maryland, that***
2 ***Subsections (c) and (d) of Section 16.702 “Requirements and restrictions applicable to***
3 ***FP districts”, Section 16.703 “Uses and development” and Section 16.705 “Official***
4 ***Maps” of Subtitle 7 “Floodplain District” of Title 16 “Planning, Zoning and***
5 ***Subdivisions and Land Development Regulations” of the Howard County Code are***
6 ***repealed.***

7
8 **Section 2. *And Be it Further Enacted by the County Council of Howard County,***
9 ***Maryland, that Subsection (e) of Section 18.903 “Design criteria; minimum***
10 ***requirements” and Section 18.908 “Reports” of Subtitle 9 “Stormwater management” of***
11 ***Title 18 “Public Works” of the Howard County Code are repealed.***

12
13 **Section 3. *And Be it Further Enacted by the County Council of Howard County,***
14 ***Maryland, that paragraph (18) of subsection (c)”Required Information for Preliminary***
15 ***Plan” of Section 16.146 “Preliminary Plan” of Article IV “Procedures for Filing and***
16 ***Processing Subdivision Applications” of Subtitle 1 “Subdivision and Land Development***
17 ***Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development***
18 ***Regulations” of the Howard County Code is amended to read as follows:***

19
20 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

21 **Subtitle 1. Subdivision and Land Development Regulations.**

22 **Article IV. Procedures for Filing and Processing Site**
23 **Development Plan Applications.**

24
25 **Section 16.146. Preliminary Plan.**

26 (c) *Required Information for Preliminary Plan.*

27 (18) Proposed drainage and [[storm water]] STORMWATER management
28 systems including the type of structures, drainage easements, proposed
29 changes in topography, the 100-year [[floodplain]] FLOODPLAIN, and
30 any deviations from standards. Justification shall be provided for rejecting
31 preferred [[storm water]] STORMWATER management measures in favor

of less preferred methods unless predetermined by the department of planning and zoning, after consultation with the director of public works, and in accordance with the Design Manual.

Section 4. Be It Enacted by the County Council of Howard County, Maryland, that Section 16.700 "Definitions", Section 16.701 "Floodplain district; delineation", Section 16.702 "Requirements and restrictions applicable to FP districts" and Section 16.704 "Violation" of Subtitle 7 "Floodplain District" of Title 16 "Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County Code are amended to read as follows:

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.
Subtitle 7. Floodplain [[District]].

Section 16.700. Definitions.

- (a) *Building Code*: The building code of Howard County adopted pursuant to subtitle 1, "Building Code" of title 3, "Buildings," of the Howard County Code.
- (b) *Design Manual*: Howard County's technical standards, approved by resolution of the county council, for design, construction and inspection of bridges, roads, storm drainage structures, stormwater management systems, sidewalks, walkways, parking areas, traffic control devices, water and sewer facilities, and other improvements.
- [(c) *Wetland Floodplain*: Those portions of land within the floodplain district subject to inundation by a 100-year flood and determined to be "wetlands" as defined in subtitle 1, "Subdivision and Land Development Regulations" of title 16, "Planning, Zoning and Subdivision and Land Development Regulations," of the Howard County Code.]]

Section 16.701. Floodplain [[district;]] delineation.

- (a) [[A district]] AN AREA to be known as "floodplain [[district]]" [(and to be designated as "FP District")] shall be deemed an overlay to the zoning map, and]]

1 shall include all areas subject to inundation by the waters of the 100-year flood
2 [[including the wetland floodplain]].The source of this delineation shall be the
3 [[Type 15 Flood Insurance Study for Howard County, Maryland, by the Federal
4 Insurance Administration]] FLOOD INSURANCE STUDY AND FLOOD
5 INSURANCE RATE MAPS, PREPARED FOR HOWARD COUNTY BY THE
6 FEDERAL EMERGENCY MANAGEMENT AGENCY OR [[and]] the
7 floodplain studies and requirements of the department of public works AND THE
8 DEPARTMENT OF PLANNING AND ZONING, WHICHEVER IS MORE
9 RESTRICTIVE.

10 (b) The [[FP]] FLOODPLAIN [[District]] shall be comprised of [[three (3)]] 3
11 subdistricts as follows:

- 12 (1) Floodway [[(F1)]]: That portion of the [[FP District]] FLOODPLAIN
13 required to carry and discharge the waters of the 100-year flood without
14 increasing the water surface elevation at any point more than one foot
15 above existing [[conditions, as demonstrated in the Type 15 Flood
16 Insurance Study referenced above.]] CONDITIONS.
- 17 (2) Floodway Fringe [[(F2)]]: Those portions of land within the [[FP District]]
18 FLOODPLAIN subject to inundation by the 100-year flood, lying beyond
19 the floodway [[in areas where detailed study data and profiles are made
20 available by the Type 15 Flood Insurance Study]] .
- 21 (3) Approximate Floodplain [[(F3)]]: Those portions of land within the [[FP
22 District]] FLOODPLAIN subject to inundation by the 100-year flood,
23 where a detailed study has not been performed, but where a [[non-100-
24 year]] 100-YEAR floodplain boundary has been approximated [[by the
25 Type 15 Flood Insurance Study]] .

26
27 The delineation of the [[FP study]] FLOODPLAIN may be revised, and amended
28 by the department of public works OR THE DEPARTMENT OF PLANNING AND
29 ZONING based upon data reflecting natural or reconstructed physical change s, provided
30 that all such revisions, amendments, and modifications shall be subject to the review and

1 approval of the [[Federal Insurance Administrator]] FEDERAL EMERGENCY
2 MANAGEMENT AGENCY.

3
4 **Section 16.702. Requirements and restrictions applicable to THE [[FP districts]]**
5 **FLOODPLAIN.**

6 (a) [[*Floodplain District.*]] Within the [[Floodway (F1)]] FLOODWAY AND
7 FLOODWAY FRINGE, no development shall be permitted except as provided in
8 the Howard County Building Code ADOPTED AT TITLE 3, SUBTITLE 1 OF
9 THE HOWARD COUNTY CODE and THE SUBDIVISION REGULATIONS
10 ADOPTED AT TITLE 16, SUBTITLE 1 OF THE HOWARD COUNTY CODE.
11 [[except for streets, sidewalks, pathways and utility systems constructed pursuant
12 to the Howard County Design Manual and all other applicable codes, ordinances,
13 resolutions and regulations.]]

14 (b) [[Within the Floodway Fringe (F2) the development and/or use of land shall be
15 permitted in accordance with the regulations of the underlying district.]] WITHIN
16 THE APPROXIMATE FLOODPLAIN FOR NEW SUBDIVISIONS, SITE
17 DEVELOPMENT PLANS, OR SINGLE LOTS, THE 100-YEAR FLOOD
18 ELEVATIONS SHALL BE CERTIFIED BY A QUALIFIED DESIGN
19 PROFESSIONAL AS DETERMINED BY THE DIRECTOR OF THE
20 DEPARTMENT OF PUBLIC WORKS BASED ON HYDROLOGIC AND
21 HYDRAULIC ANALYSES WHICH INCLUDE A FLOODWAY ANALYSIS.
22 FOR A SINGLE LOT, IF NO DATA ARE AVAILABLE, METHODS
23 DESCRIBED IN FEDERAL EMERGENCY MANAGEMENT AGENCY
24 PUBLICATION NO. 265, "MANAGING FLOODPLAIN DEVELOPMENT IN
25 APPROXIMATE ZONE A AREAS", OR A METHOD APPROVED BY THE
26 DEPARTMENT OF PLANNING AND ZONING SHALL BE USED TO
27 DETERMINE THE 100-YEAR FLOOD ELEVATION.

28
29 **Section [[16.704]] 16.703. Violation.**

30 Where there is any violation of this subtitle or any action taken thereunder, the
31 department of public works shall institute appropriate action to PREVENT, ENJOIN, OR

1 compel compliance with the provisions of this subtitle. In addition to and concurrent with
2 all other [[remedies,]] REMEDIES AT LAW OR EQUITY, the department of public
3 works may enforce the provisions of this subtitle with civil penalties pursuant to the
4 provisions of title 24 "Civil Penalties" of the Howard County Code. A violation [[shall
5 be]] IS a class B offense. EACH DAY THAT A VIOLATION CONTINUES IS A
6 SEPARATE OFFENSE.

7
8 *Section 5. Be it Enacted by the County Council of Howard County, Maryland, that*
9 *Subtitle 5 "Private drainage systems in residential areas" of Title 18 "Public Works" of*
10 *the Howard County Code is amended to read as follows:*

11
12 **Title 18. Public Works.**

13 **Subtitle 5. [[Private storm]] STORM drainage systems [[in residential areas]] .**

14
15 **SECTION 18.500. PURPOSE.**

16 THE PURPOSE OF THIS SUBTITLE IS TO PROHIBIT CERTAIN
17 STORMWATER AND NON-STORMWATER DISCHARGES INTO PUBLICLY AND
18 PRIVATELY OWNED STORM DRAINAGE FACILITIES OR WATERWAYS AND
19 TO PROVIDE FOR THE REPAIR AND MAINTENANCE OF PRIVATELY OWNED
20 STORM DRAINAGE FACILITIES.

21
22 **SECTION 18.501. DEFINITIONS.**

23 TERMS USED IN THIS SUBTITLE HAVE THE MEANING INDICATED.

- 24 (A) *BEST MANAGEMENT PRACTICE* SHALL HAVE THE MEANING SET
25 FORTH IN TITLE 18, SUBTITLE 9 OF THE HOWARD COUNTY CODE.
- 26 (B) *DEPARTMENT*. THE DEPARTMENT OF PUBLIC WORKS.
- 27 (C) *DIRECTOR*. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
28 OR THE DIRECTOR'S AUTHORIZED DESIGNEE.
- 29 (D) *HAZARDOUS MATERIAL*. A MATERIAL, INCLUDING A SUBSTANCE,
30 WASTE, OR COMBINATION THEREOF, WHICH, BECAUSE OF ITS
31 QUANTITY, CONCENTRATION, PHYSICAL, CHEMICAL, OR

1 INFECTIOUS CHARACTERISTICS, MAY CAUSE OR SIGNIFICANTLY
2 CONTRIBUTE TO A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD
3 TO HUMAN HEALTH, SAFETY, PROPERTY, OR THE ENVIRONMENT
4 WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, DISPOSED
5 OF, OR OTHERWISE MANAGED.

6 (E) *ILLICIT CONNECTION*. AN ILLICIT CONNECTION IS DEFINED AS
7 EITHER:

8 (1) A DRAIN OR CONVEYANCE, EITHER ON THE SURFACE OR
9 SUBSURFACE, WHICH ALLOWS A DISCHARGE, PROHIBITED
10 UNDER SECTION 18.502 OF THIS SUBTITLE, TO ENTER A PUBLIC
11 STORM DRAINAGE FACILITY OR WATERWAY, REGARDLESS
12 OF WHETHER THE DRAIN OR CONVEYANCE HAD BEEN
13 PREVIOUSLY ALLOWED, PERMITTED, OR APPROVED BY THE
14 DEPARTMENT; OR

15 (2) A DRAIN OR CONVEYANCE CONNECTED TO A PUBLIC STORM
16 DRAINAGE FACILITY OR WATERWAY WHICH HAS NOT BEEN
17 DOCUMENTED IN A PLAN, MAP, OR EQUIVALENT RECORD
18 AND APPROVED BY THE DEPARTMENT.

19 (F) *NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)*
20 *STORMWATER DISCHARGE PERMIT*. A PERMIT ISSUED BY THE
21 ENVIRONMENTAL PROTECTION AGENCY OR BY A STATE ACTING
22 UNDER AUTHORITY DELEGATED PURSUANT TO 33 U.S.C. § 1342(B)
23 THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS TO WATERS
24 OF THE UNITED STATES. THE PERMIT MAY BE APPLICABLE ON AN
25 INDIVIDUAL, GROUP, OR GENERAL AREA-WIDE BASIS.

26 (G) *NON-STORMWATER DISCHARGE*. ANY DISCHARGE TO A STORM
27 DRAINAGE FACILITY OR WATERWAY THAT IS NOT COMPOSED
28 ENTIRELY OF STORMWATER.

29 (H) *PERSON*. AN INDIVIDUAL, CORPORATION, FIRM, PARTNERSHIP,
30 ASSOCIATION, ORGANIZATION, A GROUP ACTING AS A UNIT, OR AN

1 EXECUTOR, ADMINISTRATOR, TRUSTEE, RECEIVER OR OTHER
2 REPRESENTATIVE APPOINTED ACCORDING TO LAW.

3 (I) *POLLUTANT*. ANYTHING WHICH CAUSES OR CONTRIBUTES TO
4 POLLUTION. A POLLUTANT MAY INCLUDE, BUT IS NOT LIMITED TO,
5 PAINTS, VARNISHES AND SOLVENTS, OIL OR OTHER AUTOMOTIVE
6 FLUIDS, NON-HAZARDOUS LIQUID AND SOLID WASTES, YARD
7 WASTES, REFUSE, RUBBISH, GARBAGE, LITTER, OTHER DISCARDED
8 OR ABANDONED OBJECTS, ORDINANCES AND ACCUMULATIONS
9 WHICH MAY CAUSE OR CONTRIBUTE TO POLLUTION, FLOATABLES,
10 PESTICIDES, HERBICIDES, FERTILIZERS, HAZARDOUS SUBSTANCES
11 AND WASTES, SEWAGE, FECAL COLIFORM AND PATHOGENS,
12 DISSOLVED AND PARTICULATE METALS, ANIMAL WASTES,
13 CONSTRUCTION WASTES AND RESIDUES, NOXIOUS OR OFFENSIVE
14 MATTER OF ANY KIND, OR ANY OTHER CHEMICAL SUBSTANCE.

15 (J) *PREMISES*. A BUILDING, LOT, PARCEL OF LAND, OR PORTION OF
16 LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING, WITHOUT
17 LIMITATION, ADJACENT SIDEWALKS OR PARKING STRIPS.

18 (K) *STORM DRAINAGE FACILITY*. A FACILITY IN WHICH STORMWATER IS
19 COLLECTED OR CONVEYED, INCLUDING, WITHOUT LIMITATION, A
20 ROAD WITH A DRAINAGE FACILITY, A MUNICIPAL STREET, GUTTER,
21 CURB, INLET, PIPED STORM DRAIN, PUMPING FACILITY, BEST
22 MANAGEMENT PRACTICE, RESERVOIR, OR OTHER DRAINAGE
23 STRUCTURE.

24 (L) *STORMWATER*. ANY SURFACE FLOW, RUNOFF, OR DRAINAGE
25 CONSISTING ENTIRELY OF WATER FROM ANY FORM OF NATURAL
26 PRECIPITATION AND RESULTING FROM SUCH PRECIPITATION.

27 (M) *WATERWAY*. ANY NATURAL, MAN-MADE, OR ALTERED STREAM,
28 RIVER, CREEK, DITCH, GULLY, RAVINE, LAKE, OR WASH, IN AND
29 INCLUDING ANY ADJACENT AREA THAT IS SUBJECT TO
30 INUNDATION FROM OVERFLOW OR FLOOD WATER.

31

1 **SECTION 18.502. PROHIBITED DISCHARGES AND ILLICIT**
2 **CONNECTIONS.**

3 (A) *PROHIBITED DISCHARGES.* EXCEPT AS PROVIDED IN SUBSECTION B
4 OF THIS SECTION, A PERSON SHALL NOT DISCHARGE OR CAUSE OR
5 ALLOW TO BE DISCHARGED ANY POLLUTANT OR NON-
6 STORMWATER DISCHARGE INTO A STORM DRAINAGE FACILITY OR
7 WATERWAY WHICH SHALL CONTAMINATE OR OTHERWISE ALTER
8 THE PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF ANY
9 WATER CONVEYED TO A STORM DRAINAGE FACILITY INCLUDING,
10 WITHOUT LIMITATION, A CHANGE IN THE TEMPERATURE, TASTE,
11 COLOR, TURBIDITY, OR ODOR.

12 (B) *EXCEPTIONS.* THE FOLLOWING DISCHARGES ARE EXEMPT FROM
13 THE PROHIBITIONS SET FORTH IN SUBSECTION A OF THIS SECTION:

14 (1) WATER LINE FLUSHING OR DISCHARGES FROM OTHER
15 POTABLE WATER SOURCES, LANDSCAPE IRRIGATION OR
16 LAWN WATERING, DIVERTED STREAM FLOWS, RISING
17 GROUND WATER, UNCONTAMINATED GROUND WATER
18 INFILTRATION, UNCONTAMINATED PUMPED GROUND WATER,
19 FOUNDATION OR FOOTING DRAINS, AIR CONDITIONING
20 CONDENSATE, IRRIGATION WATERS, SPRINGS, INDIVIDUAL
21 RESIDENTIAL VEHICLE WASHING, FLOWS FROM RIPARIAN
22 HABITATS AND WETLANDS, DECHLORINATED SWIMMING
23 POOL DISCHARGES, AND FIRE FIGHTING ACTIVITIES; OR

24 (2) DISCHARGES PERMITTED UNDER A NPDES STORMWATER
25 DISCHARGE PERMIT OR A NON-STORMWATER DISCHARGE
26 PERMITTED UNDER A NPDES DISCHARGE PERMIT.

27 (C) *PROHIBITED ILLICIT CONNECTIONS.* A PERSON SHALL NOT
28 CONSTRUCT, USE, MAINTAIN, OR ALLOW THE CONTINUED
29 EXISTENCE OF AN ILLICIT CONNECTION.

30 (D) *REMEDIES.*

- 1 (1) *WRITTEN NOTICE.* THE DIRECTOR SHALL PROVIDE WRITTEN
2 NOTICE TO THE OWNER, TENANT, LICENSEE, OR ANY OTHER
3 PERSON CAUSING OR PERMITTING A PROHIBITED DISCHARGE
4 OR ILLICIT CONNECTION TO CEASE THE PROHIBITED
5 DISCHARGE OR ILLICIT CONNECTION OR TO REMOVE THE
6 ILLICIT CONNECTION. THE DIRECTOR MAY REQUIRE
7 REMOVAL OF AN ILLICIT CONNECTION EVEN IF THE
8 DIRECTOR PREVIOUSLY GAVE PERMISSION FOR THE
9 CONNECTION. THE DIRECTOR'S WRITTEN NOTICE SHALL
10 SPECIFY THE TIME ALLOWED FOR COMPLETION OF THE
11 REMEDIAL ACTION AND SHALL BE SERVED BY PERSONAL
12 SERVICE OR CERTIFIED MAIL, RESTRICTED DELIVERY. IN THE
13 EVENT THAT SERVICE CANNOT BE OBTAINED BY PERSONAL
14 SERVICE OR CERTIFIED MAIL, RESTRICTED DELIVERY, THE
15 NOTICE MAY BE POSTED ON THE PROPERTY IN A
16 CONSPICUOUS LOCATION.
- 17 (2) *COURT ORDER.* UPON FAILURE TO CEASE THE PROHIBITED
18 DISCHARGE OR FAILURE TO REMOVE AN ILLICIT
19 CONNECTION WITHIN THE TIME ALLOWED IN THE NOTICE,
20 THE DIRECTOR SHALL PETITION THE COURT FOR AN ORDER
21 TO ENTER THE PROPERTY, TO CONDUCT REMEDIAL REPAIRS,
22 AND TO BE AWARDED THE COSTS TO COMPLETE THOSE
23 REPAIRS.
- 24 (3) *EMERGENCY REPAIRS.* IF THE DIRECTOR HAS EVIDENCE THAT
25 A PROHIBITED DISCHARGE OR ILLICIT CONNECTION
26 THREATENS THE PUBLIC HEALTH AND SAFETY, THE
27 DIRECTOR MAY ENTER THE PROPERTY AND MAKE REPAIRS IN
28 ORDER TO ABATE THE PUBLIC HEALTH OR PUBLIC SAFETY
29 HAZARD WITHOUT PRIOR WRITTEN NOTICE TO THE OWNER,
30 TENANT, LICENSEE, OR ANY OTHER PERSON CAUSING OR
31 PERMITTING A PROHIBITED DISCHARGE OR ILLICIT

1 CONNECTION. THE DIRECTOR MAY SEEK A COURT ORDER
2 ASSESSING THE COSTS OF THE ABATEMENT AGAINST THE
3 OWNER, TENANT, LICENSEE, OR ANY OTHER PERSON
4 CAUSING OR PERMITTING A PROHIBITED DISCHARGE OR
5 ILLICIT CONNECTION.

- 6 (4) *ADDITIONAL PENALTIES.* THE RECOVERY OF COSTS AND THE
7 IMPOSITION OF CIVIL AND CRIMINAL PENALTIES SHALL BE IN
8 ADDITION TO AND CONCURRENT WITH ANY OTHER
9 REMEDIES THE COUNTY MAY HAVE IN LAW OR EQUITY.

10
11 **SECTION 18.503. RIGHT OF ENTRY.**

- 12 (A) *GENERALLY.* EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
13 SECTION, THE DIRECTOR MAY ENTER ANY PREMISES AT ANY
14 REASONABLE TIME FOR THE PURPOSE OF ENFORCING THIS
15 SUBTITLE.

- 16 (B) *CONSENT.* THE DIRECTOR MAY ENTER A PRIVATE DWELLING TO
17 INSPECT FOR A VIOLATION OF THIS SUBTITLE WITH THE CONSENT
18 OF THE OCCUPANT OR OWNER. IF ENTRY IS REFUSED, THE
19 DIRECTOR MAY SEEK A COURT ORDER TO PERMIT ENTRY TO THE
20 DWELLING.

- 21 (C) *THREAT TO PUBLIC HEALTH AND SAFETY.* THE DIRECTOR SHALL
22 HAVE THE RIGHT TO ENTER A BUILDING, STRUCTURE, OR PREMISES
23 WHERE THERE IS EVIDENCE THAT A VIOLATION OF THIS SUBTITLE
24 EXISTS WHICH THREATENS OR MAY THREATEN THE PUBLIC
25 HEALTH AND SAFETY FOR THE PURPOSE OF PERFORMING DUTIES
26 PURSUANT TO THE PROVISIONS OF THIS SUBTITLE. THE DIRECTOR
27 SHALL PRODUCE PROOF OF IDENTITY PRIOR TO ENTRY.

28
29 **Section ~~[[18.500]]~~ 18.504. Repair and maintenance of private storm drain facilities**
30 **in residential areas.**

- 31 (a) *Single residential lot storm drainage facilities.*

- 1 (1) Privately owned storm drainage facilities which are associated with the
2 development of a [[single residential]] lot or parcel FOR A SINGLE
3 RESIDENCE and which primarily benefit the owner or user of the lot or
4 parcel shall be the responsibility of the PROPERTY owner to maintain,
5 [[repair]] REPAIR, or replace.
- 6 (2) The repair or replacement of any storm drainage facility associated with
7 the development of a [[single residential]] lot or parcel FOR A SINGLE
8 RESIDENCE may be made by the PROPERTY owner after [[he obtains]]
9 written approval IS OBTAINED from the department [[of public works]],
10 and the work shall be done in accordance with such approval.
- 11 (3) If the county determines that deficiencies exist in a private stormwater
12 drainage facility associated with the development of a [[single residential]]
13 lot OR PARCEL FOR A SINGLE RESIDENCE, the county shall
14 [[notify]] GIVE NOTICE TO the property owner in writing of the
15 deficiencies, describe the required corrective action, and the time period to
16 have the deficiencies corrected. THE NOTICE SHALL BE GIVEN BY
17 SENDING A LETTER BY CERTIFIED MAIL TO THE ADDRESS OF
18 THE OWNER AS SHOWN IN THE CURRENT TAX RECORDS KEPT
19 BY THE DEPARTMENT OF FINANCE.
- 20 (4) If the property owner fails to correct the deficiencies within the specified
21 time frame, the county may apply to the appropriate court for an order
22 allowing the county to enter the property and to make, at the property
23 owner's expense, the necessary repairs or [[corrections to]]
24 REPLACEMENT OF the facility.
- 25 (5) Following entry of the order and completion of THE REPAIR OR
26 REPLACEMENT, [[corrective action,]] the county shall send to the
27 property owner a bill for the costs to correct the deficiencies. If the bill is
28 not paid within 30 days, the county may file with the court a verified
29 statement of costs, for the purpose of entering a civil judgment in the
30 county's favor against the property owner.
- 31 (b) *Storm drainage facilities serving more than a single residential lot.*

- (1) FOR PURPOSES OF THIS SUBSECTION, A RESIDENTIALLY DEVELOPED LOT OR PARCEL SHALL NOT INCLUDE AN APARTMENT BUILDING OR OTHER RESIDENTIAL PROPERTY OWNED OR OPERATED FOR A COMMERCIAL USE. Privately owned storm drainage facilities that primarily serve residentially developed lots or parcels and which convey or retain [[storm water]] STORMWATER from other upstream lots or parcels, public rights-of-way, easements, or fee simple lands shall be the responsibility of Howard County to maintain, [[repair]] REPAIR, or replace AFTER: [[after an easement, public rights-of-way, or fee simple land is dedicated by the property owner, accepted by Howard County, and recorded in the land records of Howard County. For purposes of this section "residentially developed lots or parcels" does not include apartment buildings or other residential properties owned or operated for commercial purposes.]]
- (I) THE DIRECTOR DETERMINES THAT THE FACILITY IS IN COMPLIANCE WITH COUNTY STANDARDS IN DESIGN, CONSTRUCTION, AND MAINTENANCE; AND
- (II) AN EASEMENT, PUBLIC RIGHT-OF-WAY, OR FEE SIMPLE LAND IS DEDICATED BY THE PROPERTY OWNER, ACCEPTED BY HOWARD COUNTY, AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.
- (2) IF A PRIVATELY OWNED STORM DRAINAGE FACILITY IS NOT IN COMPLIANCE WITH COUNTY STANDARDS, THE PROPERTY OWNER MAY REQUEST THE DIRECTOR TO REPAIR OR REPLACE THE STORM DRAINAGE FACILITY AT THE PROPERTY OWNER'S EXPENSE IN ORDER TO BRING THE FACILITY INTO COMPLIANCE WITH COUNTY STANDARDS AFTER AN EASEMENT, PUBLIC RIGHT OF WAY, OR FEE SIMPLE LAND IS DEDICATED BY THE PROPERTY OWNER TO THE COUNTY. THE PROPERTY OWNER SHALL ENTER INTO AN AGREEMENT WITH THE COUNTY TO HAVE THE COUNTY REPAIR OR REPLACE THE

1 STORM DRAINAGE FACILITY. THE AGREEMENT SHALL BE
2 RECORDED AMONG THE LAND RECORDS OF HOWARD
3 COUNTY. THE AGREEMENT SHALL INCLUDE THE TERMS AND
4 CONDITIONS FOR COMPLETION OF THE WORK AND FOR
5 PAYMENT BY THE PROPERTY OWNER OF THE COSTS TO
6 REPAIR OR REPLACE THE STORM DRAINAGE FACILITY. THE
7 COST TO REPAIR OR REPLACE THE STORM DRAINAGE
8 FACILITY SHALL BE PAID IN FULL UPON THE TRANSFER OF
9 ALL OR ANY PORTION OF THE PROPERTY SERVED BY THE
10 STORM DRAINAGE FACILITY. WITH THE CONSENT OF THE
11 COUNTY, THE PROPERTY OWNER MAY ELECT TO PAY THE
12 COSTS IN ANNUAL INSTALLMENTS.

13 [(2)] (3) If the director [[of the department of public works]] determines
14 that [[an undedicated]] A PRIVATELY OWNED storm drainage facility
15 that primarily serves residentially developed lots or parcels is adversely
16 affecting THE FUNCTION, PERFORMANCE, OR PHYSICAL
17 CONDITION OF A STRUCTURE OR STORM DRAINAGE FACILITY
18 [[structures or facilities]] on publicly owned land or within A public right-
19 of-way, other downstream property, or represents a safety or health
20 hazard, the director [[may, after receiving written agreement of the
21 property owner,]] MAY ENTER INTO AN AGREEMENT WITH THE
22 PROPERTY OWNER TO make such repairs or replace the facility as may
23 be deemed necessary to relieve the adverse condition. The cost of the
24 repairs or replacement shall not be charged to the private property owner
25 unless the adverse condition on the private property is directly attributable
26 to the [[negligence of the property owner]] PROPERTY OWNER'S
27 FAILURE TO PERFORM ADEQUATE MAINTENANCE, IN WHICH
28 CASE THE OWNER MAY BE CHARGED ANY AMOUNT OF THE
29 COST OF REPAIRS OR REPLACEMENT UP TO 100 PERCENT OF
30 THE TOTAL COST. THE AGREEMENT BETWEEN THE PROPERTY
31 OWNER AND THE COUNTY SHALL INCLUDE THE TERMS AND

1 CONDITIONS FOR COMPLETION OF THE WORK AND FOR
2 PAYMENT BY THE PROPERTY OWNER OF ANY AMOUNT OF
3 THE COST OF REPAIRS OR REPLACEMENT WHICH IS CHARGED
4 TO THE PROPERTY OWNER. [[Nothing herein shall be intended to
5 prohibit the property owner from negotiating an agreement with the
6 department of public works to share the cost of such repairs or
7 replacement.]]

8 [[(3)]] (4) In lieu of repairing or replacing a storm drainage facility that
9 primarily serves residentially developed lots or parcels, as provided in
10 [[paragraph]] PARAGRAPHS (1) AND (2) of this subsection, IT IS
11 WITHIN THE DISCRETION OF the director [[of the department of
12 public works may, at his option,]] TO construct alternative storm drainage
13 facilities to relieve the adverse condition caused by the existing facility.

14 [[(4)]] (5) If a property owner does not permit the county to repair or replace
15 a storm drainage facility that primarily serves residentially developed lots
16 or parcels, as provided in paragraph [[(2)]] (3) of the subsection, and the
17 director [[of the department of public works]] deems it appropriate not to
18 exercise [[this]] THE option of constructing alternative storm drainage
19 facilities to relieve the adverse condition, as provided in paragraph (4) of
20 this subsection, then the repair or replacement of the storm drainage
21 facility shall be the responsibility of the property owner. In such case, the
22 provisions of subsection (a)(3) through (5) of this section shall apply, and
23 the procedures therein shall be followed.

24
25 **Section [[18.501]] 18.505. Implementation.**

26 The county executive is authorized to create a fund and appropriate capital
27 projects to implement the provisions of section [[18.500]] 18.504 of this subtitle. The
28 director [[of the department of public works]] shall be responsible for implementing the
29 provisions of section [[18.500]] 18.504 of this subtitle to the extent that funds for such
30 are approved in the annual budget.

1 **Section [[18.502]] 18.506. Annual report.**

2 The director [[of the department of public works]] shall publish an annual report
3 on April 1, which shall contain the following information relating to the repair or
4 replacement of storm drainage facilities on private land:

5 (a) The [[location and description, and the work]] LOCATION, DESCRIPTION OF
6 THE WORK, and costs involved in each case, of:

7 (1) Any storm drainage facilities repaired or replaced by owners under the
8 provisions of section [[18.500(a)(3)]] 18.504(A)(2) of this [[subtitle.]]
9 SUBTITLE;

10 (2) Any storm drainage facilities repaired or replaced by the county, or
11 otherwise, under the provisions of section [[18.500(a)(4)]] 18.504(A)(4) of
12 this [[subtitle.]] SUBTITLE;

13 (3) Any storm drainage facilities repaired or replaced by the county under the
14 provisions of section [[18.500(b)(2)]] 18.504(B)(3) of this [[subtitle.]]
15 SUBTITLE; AND

16 (4) Any storm drainage facilities repaired or replaced by owners under the
17 provisions of section [[18.500(b)(4)]] 18.504(B)(5) of this [[subtitle.]]
18 SUBTITLE;

19 (b) The location, description OF THE WORK, and cost of any alternative storm
20 drainage facilities constructed under the provisions of section [[18.500(b)(3)]]
21 18.504(B)(4) of this [[subtitle.]] SUBTITLE;

22 (c) The location and description of any storm drainage facilities dedicated to Howard
23 County under the provisions of section [[18.500(b)(1)]] 18.504(B)(1) AND (2) of
24 this [[subtitle.]] SUBTITLE; AND

25 (d) An accounting of the fund authorized under section [[18.501]] 18.505 of this
26 subtitle if such a fund is established.

27
28 **Section [[18.503]] 18.507. Penalties and remedies.**

29 (A) *CRIMINAL PENALTIES.* Any person, firm or corporation violating any section of
30 this subtitle [[shall be]] IS guilty of a misdemeanor and upon conviction [[thereof shall be
31 fined not more than]] IS SUBJECT TO A FINE NOT EXCEEDING \$900, or

1 [[imprisoned for not more than 6 months, or both, at the discretion of the court, for each
2 offense]] IMPRISONMENT NOT EXCEEDING 5 MONTHS OR BOTH.

3 (B) *CIVIL PENALTIES*. Alternatively or in addition to and concurrent with all other
4 remedies, the department [[of public works]] may enforce the provisions of this subtitle
5 with civil penalties pursuant to title 24, "Civil Penalties," of the Howard County Code. A
6 violation of this subtitle [[shall be]] IS a class A offense. EACH DAY THAT A
7 VIOLATION CONTINUES IS A SEPARATE OFFENSE.

8 (C) *INJUNCTIVE AND OTHER RELIEF*. The director [[of the department of public
9 works or the director's designee]] is authorized to institute on behalf of Howard County
10 any legal [[action]] ACTION, INCLUDING AN ACTION FOR APPROPRIATE
11 INJUNCTIVE RELIEF, in order to compel compliance with any of the provisions of this
12 subtitle.

13
14 ***Section 6. Be it Enacted by the County Council of Howard County, Maryland, that***
15 ***Section 18.901 "Definitions" of Subtitle 9 "Stormwater management" of Title 18 "Public***
16 ***Works" of the Howard County Code is amended to read as follows:***

17
18 **Title 18. Public Works.**

19 **Subtitle 9. Stormwater Management.**

20
21 **Section 18.901. Definitions.**

22 The following terms have the meanings indicated.

- 23 (a) *Administration*. The Maryland Department of the Environment (MDE) Water
24 Management Administration (WMA).
- 25 (b) *Adverse impact*. Any deleterious effect on waters or wetlands, including their
26 quality, quantity, surface area, species composition, aesthetics or usefulness for
27 human or natural uses which are or may potentially be harmful or injurious to
28 human health, welfare, safety or property, to biological productivity, diversity or
29 stability, or which unreasonably interfere with the enjoyment of life or property,
30 including outdoor recreation.

- 1 (c) *Agricultural land management practices*. Those methods and procedures used in
2 the cultivation of land in order to further crop and livestock production and
3 conservation of related soil and water resources.
- 4 (d) *Alternative compliance*. The modification of the minimum stormwater
5 management requirements for specific circumstances such that strict adherence to
6 the requirements would result in an unnecessary hardship and not fulfill the intent
7 of this subtitle.
- 8 (e) *Applicant*. A person, firm, or governmental agency who executes the necessary
9 documentation to procure official approval of a project to carry out construction
10 activities involving stormwater management systems.
- 11 [(f)] *Aquifer*. A porous water bearing geologic formation generally restricted to
12 materials capable of yielding an appreciable supply of water.
- 13 [(g)] (F) *Best management practice (BMP)*. Any structural device or non-structural
14 practice designed to temporarily store or treat stormwater runoff in order to
15 mitigate flooding, reduce pollution, or provide other amenities.
- 16 [(h)] (G) *Channel protection storage volume (cPv)*. The volume used to design
17 structural management practices to control stream channel erosion.
- 18 [(i)] (H) *Clearing*. The removal of trees and brush from the land, but shall not
19 include the ordinary mowing of grass.
- 20 [(j)] (I) *Design manual/state design manual*. The Howard County Design Manual,
21 Volume I, Storm Drainage and all incorporated references/the Maryland
22 Stormwater Design Manual, Volumes I and II.
- 23 [(k)] *Detention structure*. A permanent structure for the temporary storage of runoff
24 which is designed so as not to create a permanent pool of water.
- 25 [(l)] (J) *Develop land*. To change the runoff characteristics of a parcel of land or lot in
26 conjunction with residential, commercial, industrial, or institutional construction
27 or alteration.
- 28 [(m)] (K) *Drainage area*. An area contributing runoff to a single point measured in a
29 horizontal plane, which is enclosed by a ridge line.

1 [[n]] (L) *Easement*. A grant or reservation by the owner of land for the use of such
2 land by others for a specific purpose, and which shall be recorded in the land
3 records of Howard County.

4 [[o]] (M) *Exemption*. Those land development activities that are not subject to the
5 stormwater management requirements of this subtitle.

6 [[p]] *Extended detention*. A stormwater design feature that provides gradual release of
7 a volume of water in order to increase settlement of pollutants and protect
8 downstream channels from frequent storm events.

9 (q)] (N) *Extreme flood volume (Q_f)*. The storage volume required to control those
10 infrequent but large storm events in which the overbank flows reach or exceed the
11 boundaries of the 100-year floodplain.

12 [[r]] (O) *Flow attenuation*. Prolonging the flow time of runoff to reduce the peak
13 discharge.

14 [[s]] (P) *Grading*. Any act by which soil is cleared, stripped, stockpiled, excavated,
15 scarified, filled, or any combination thereof.

16 [[t]] (Q) *Infiltration*. The passage or movement of water into the soil surface.

17 [[u]] (R) *Off-site stormwater management*. The design and construction of a facility
18 necessary to control stormwater from one or more properties other than the one on
19 which the stormwater management facility lies.

20 [[v]] (S) *On-site stormwater management*. The design and construction of a facility
21 necessary to control stormwater from one property within the boundary of the
22 subject property.

23 [[w]] (T) *Overbank flood protection volume (Q_p)*. The volume controlled by
24 structural practices to prevent an increase in the frequency of the out of bank
25 flooding by development.

26 [[x]] (U) *Private stormwater management facility*. Any [[stormwater management
27 facility]] BEST MANAGEMENT PRACTICE which is not to be owned and
28 maintained by Howard County.

29 [[y]] *Public stormwater management facility*. A stormwater management facility which
30 is to be owned and maintained by Howard County.

1 (z)] (V) *Recharge volume (REv)*. That portion of the water quality volume used to
2 maintain groundwater recharge rates at development sites.

3 [(aa)] (W) *Redevelopment*. Any construction, alteration, or improvement exceeding
4 5,000 square feet of land disturbance performed on sites where existing land use
5 is commercial, industrial, institutional, or multi-family residential.

6 [(bb)] *Retention structure*. A permanent structure that provides for the storage of runoff
7 by means of a permanent pool of water.

8 (cc)] (X) *Retrofitting*. The construction of a structural BMP in a previously
9 developed area, the modification of an existing structural BMP, or the
10 implementation of a non-structural practice to improve water quality over current
11 conditions.

12 [(dd)] (Y) *Sediment*. Soil or other surficial materials transported or deposited by the
13 action of wind, water, ice, or gravity as a product of erosion.

14 [(ee)] (Z) *Site*. A tract of land, lot or parcel of land or combination of tracts, lots, or
15 parcels of land, which are in one ownership, or are contiguous and in diverse
16 ownership where development is to be performed as part of a unit, subdivision or
17 project.

18 [(ff)] (AA) *Stabilization*. The prevention of soil movement by any of various
19 vegetative [[and/or]] OR structural means.

20 [(gg)] (BB) *Stormwater management*.
21 For quantitative control: A system of [[vegetative and structural measures]] BEST
22 MANAGEMENT PRACTICES that control the increased volume and rate of
23 surface runoff caused by manmade changes to the land.
24 For qualitative control: A system of [[vegetative, structural and other measures]]
25 BEST MANAGEMENT PRACTICES that reduce or eliminate pollutants that
26 might otherwise be carried by surface runoff.

27 [(hh)] (CC) *Stormwater management plan*. A set of drawings or other documents
28 submitted as a prerequisite to obtaining a stormwater management approval and
29 which contain all of the information and specification[s] required by the
30 department of public works and the department of planning and zoning. These
31 drawings or documents may be a part of the roads, storm drain and sediment

1 control documents and/or drawings, including final road construction plans and
2 site development plans.

3 ~~[(ii)]~~ (DD) *Stripping*. Any activity which removes the vegetative cover including tree
4 removal, clearing, grubbing, and storage or removal of topsoil.

5 ~~[(jj)]~~ (EE) *Waiver*. The relinquishment from the stormwater management
6 requirements for specific circumstances on a case-by-case basis.

7 Qualitative stormwater management waiver includes water quality volume and
8 recharge volume parameters.

9 Quantitative stormwater management waiver includes channel protection storage
10 volume, overbank flood protection volume, and extreme flood volume design
11 parameters.

12 ~~[(kk)]~~ *Watercourse*. Any natural or artificial stream, river, creek, ditch, channel, canal,
13 conduit, drain, waterway, gully, ravine, or wash, in and including any adjacent
14 area that is subject to inundation from overflow or flood water.

15 ~~[(ll)]~~ (FF) *Watershed*. The total drainage area contributing runoff to a single point.

16 ~~[(mm)]~~ (GG) *Water quality volume (WQv)*. The storage needed to capture and
17 treat the runoff from 90 percent of the average annual rainfall at a development
18 site.

19

20 ***Section 7. Be it Enacted by the County Council of Howard County, Maryland, that***
21 ***Subsection (a) and Subsection (f) of Section 18.902 “Stormwater management plan***
22 ***required; exemptions; waivers; permits; fee in lieu of constructing stormwater***
23 ***management facilities.” of Subtitle 9 “Stormwater Management” of Title 18 “Public***
24 ***Works” of the Howard County Code are amended to read as follows:***

25

26 **Title 18. Public Works.**

27 **Subtitle 9. Stormwater Management.**

28

29 **Section 18.902. Stormwater management ~~[[plan]]~~ required; exemptions; waivers;**
30 **permits; fee in lieu of ~~[[constructing stormwater management facilities.]]~~**

31 **IMPLEMENTING BEST MANAGEMENT PRACTICE.**

- 1 (a) *[[Stormwater management plan required.]] PROHIBITION.* Unless exempted by
2 this section, *[[no]]* land shall NOT be developed for residential, commercial,
3 *[[industrial]]* INDUSTRIAL, or institutional use *[[until the department of*
4 *planning and zoning, after consultation with the director of the department of*
5 *public works, has approved the stormwater management plan required for that*
6 *land pursuant to the procedures set forth for approval in title 16, "Planning,*
7 *Zoning and Subdivision and Land Development Regulations," of the Howard*
8 *County Code.]] WITHOUT HAVING PROVIDED BEST MANAGEMENT*
9 *PRACTICES THAT CONTROL OR MANAGE STORMWATER OR RUNOFF*
10 *FROM SUCH DEVELOPMENT. THE BEST MANAGEMENT PRACTICE*
11 *SHALL BE IMPLEMENTED ACCORDING TO THE STORMWATER*
12 *MANAGEMENT PLANS APPROVED BY THE DEPARTMENT OF*
13 *PLANNING AND ZONING, AFTER CONSULTATION WITH THE*
14 *DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS PURSUANT TO*
15 *THIS SUBTITLE AND THE PROCEDURES SET FORTH FOR APPROVAL*
16 *IN TITLE 16, "PLANNING, ZONING AND SUBDIVISION AND LAND*
17 *DEVELOPMENT REGULATIONS," OF THE HOWARD COUNTY CODE.*
18
19 (f) *Fee in lieu of**[[constructing stormwater management facilities:]]*
20 *IMPLEMENTING BEST MANAGEMENT PRACTICES.*
21 (1) If the department of public works or the department of planning and
22 zoning determines that *[[construction]]* IMPLEMENTATION of a
23 *[[stormwater management facility]]* BEST MANAGEMENT PRACTICE
24 required to control the quantity of STORMWATER OR runoff is not
25 feasible or will be ineffective, then the department of public works or the
26 department of planning and zoning may allow the person obligated
27 UNDER this subtitle to pay a fee to the county instead of *[[constructing]]*
28 IMPLEMENTING the *[[facility]]* BEST MANAGEMENT PRACTICE.
29 (2) The amount of the fee in lieu of IMPLEMENTING *[[constructing*
30 *stormwater management facilities]]* BEST MANAGEMENT

PRACTICES shall be calculated by methods established in the design manual.

(3) The county council shall set by resolution the amount per acre foot of storage volume used to calculate the fee.

(4) Amounts collected from this fee shall be used in the same major drainage basin in which the property is located to pay for [[stormwater projects]] CONSTRUCTING NEW BEST MANAGEMENT PRACTICES, RETROFITTING EXISTING BEST MANAGEMENT PRACTICES, CONDUCTING WATERSHED STUDIES, RESTORING, OR STABILIZING STREAMS, [[to be constructed by the county]] or to reimburse developers who provide [[stormwater management facilities]] BEST MANAGEMENT PRACTICES larger than required by their own development.

Section 8. Be it Enacted by the County Council of Howard County, Maryland, that Section 18.904 "Inspection" and Section 18.907 "Penalties" of Subtitle 9 "Stormwater management" of Title 18 "Public Works" of the Howard County Code are amended to read as follows:

Title 18. Public Works.

Subtitle 9. Stormwater Management.

Section 18.904. Inspection.

(a) *Inspection during construction.* The department of public works shall inspect [[stormwater management systems]] BEST MANAGEMENT PRACTICES during construction, pursuant to the schedule set forth in the design manual AND THE REGULATIONS SET FORTH IN THE CODE OF MARYLAND REGULATIONS.

(b) *Periodic inspection.* The department of public works shall ensure that preventative maintenance is performed by inspecting all [[stormwater management systems]] BEST MANAGEMENT PRACTICES during the first year of operation and at least once every 3 years thereafter. The department of

1 public works shall notify in writing any property owner of any deficiencies [[in
2 the stormwater management system]] that are found during the inspections
3 pursuant to the criteria set forth in the design manual.

4 (C) *INSPECTION ACCESS.* THE PROPERTY OWNER SHALL CONSTRUCT
5 AND MAINTAIN ALL BEST MANAGEMENT PRACTICES IN A MANNER
6 SUCH AS NOT TO HINDER, IMPEDE, OR RESTRICT THE DEPARTMENT
7 OF PUBLIC WORKS FROM MAKING NECESSARY INSPECTIONS,
8 VISUAL OBSERVATIONS, MEASUREMENTS, OR FROM PERFORMING
9 TESTS.

10 (D) *ENFORCEMENT.* WHEN A DEFICIENCY IS DISCOVERED DURING AN
11 INSPECTION, CONSTRUCTION, OR PERIODIC MAINTENANCE
12 INSPECTION, THE COUNTY MAY:

- 13 (1) ISSUE A NOTICE OF VIOLATION SPECIFYING THE DEFICIENCY,
14 THE CORRECTIVE ACTION NEEDED, AND THE TIME BY WHICH
15 THE CORRECTIVE ACTION MUST BE COMPLETED;
- 16 (2) ISSUE A STOP WORK ORDER FOR ALL SITE WORK;
- 17 (3) WITHHOLD BONDS OR SECURITIES;
- 18 (4) IMPOSE CIVIL OR CRIMINAL PENALTIES PURSUANT TO
19 SECTION 18.907 OF THIS SUBTITLE; OR
- 20 (5) TAKE ANY OF THE ACTIONS SET FORTH IN THIS SECTION AT
21 ANY TIME.

22

23 **Section 18.907. Penalties.**

24 (a) *Criminal penalties.* Any person convicted of violating [[the provisions]] A
25 PROVISION of this subtitle [[shall be]] IS guilty of a misdemeanor and upon
26 conviction [[shall be]] IS subject to a fine [[of not more than] NOT EXCEEDING
27 \$900 or imprisonment [[for not more than] NOT EXCEEDING [[1 year]] 5
28 MONTHS or both [[for each violation]]. Each day that the violation continues
29 [[shall be]] IS a separate offense.

30 (b) *Civil penalties.* Alternatively or in addition to and concurrent with other remedies
31 AT LAW OR EQUITY, the department of public works may enforce the

1 provisions of this subtitle with civil penalties pursuant to the provisions of title 24,
2 "Civil Penalties," of the Howard County Code. A violation of this subtitle [[shall
3 be]] IS a class A offense. EACH DAY THAT A VIOLATION CONTINUES IS
4 A SEPARATE OFFENSE.

5 (c) *Injunctive and other relief.* In addition, Howard County may institute injunctive,
6 mandamus or other appropriate legal action or proceedings for the enforcement of
7 this subtitle. Any court of competent jurisdiction may issue restraining orders,
8 temporary or permanent injunctions or mandamus or other appropriate forms of
9 remedy or relief.

10

11 ***Section 9. And Be It Further Enacted*** by the County Council of Howard County,
12 *Maryland, that this Act shall become effective 61 days after its enactment.*